Remarks

Claims 1-4, 6-10, 13-14 and 17-20 are pending.

All previous claims stand rejected as obvious over Hewko and Lijima. Applicant respectfully traverses this rejection, and requests reconsideration on the grounds set forth below.

First, independent claim 1 recites, *inter alia*, "an electric motor that <u>directly drives</u> the wheel." Neither Hewko nor Lijima teach this aspect of Applicant's invention. On the contrary, Hewko teaches a motor that drives the wheel with "an integral reduction planetary gearset" (Hewko, Abstract), and Lijimi teaches a motor that drives the wheel with a "[s]econd stage star-type reduction gear and a first stage planetary reduction gear." (Lijima, Abstract). Since none of the references cited by the Examiner teach "an electric motor that <u>directly drives</u> the wheel," it is clear that the Examiner has not established a *prima facie* case of obvious with respect to Applicant's pending claims. On this basis alone, the Examiner's rejection must be withdrawn.

Second, independent claim 1 recites, *inter alia*, that "the traction assembly has a traction ratio, defined as the arm of the torque divided by the first radius, which is larger than 0.57." The Examiner has acknowledged that this aspect of the claims is also not present in <u>any</u> of the cited references. Nonetheless, the Examiner maintains that it would have been obvious to provide a traction ratio that is larger than 0.57 "since it has been held that discovering an optimum value of an effective variable involves only routine skill in the art." Applicant respectfully disagrees. Section 2144.05(II)(B) of the Manual of Patent Examining Procedure (MPEP) governs this issue and provides as follows:

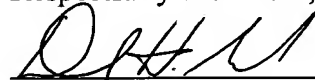**"B. Only Result-Effective Variables Can Be Optimized**

A particular parameter must <u>first</u> be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, <u>before</u> the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977) (The claimed wastewater treatment device had a tank volume to contractor area of 0.12 gal./sq. ft. The prior art did not recognize that treatment capacity is a function of the tank volume to contractor ratio, and therefore the parameter optimized was not recognized in the art to be a result- effective variable.). ... "(Emphasis added)

In the present case, the Examiner has <u>failed</u> to show that Applicant's claimed traction ratio (i.e., (defined as a ratio of the arm of the torque divided by a radius that extends to the exterior surface of the wheel)) was recognized in the prior art as a result-effective variable. In the decision cited in the MPEP (i.e., *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977)), the Court reversed the Examiner's obviousness rejection on the ground that the claims were directed a parameter that had not previously been recognized as a result-effective variable. Like the claims at issue in *In re Antonie*, Applicant's claims are directed to a parameter (i.e., Applicant's claimed traction ratio) that has not previously been recognized as a result-effective variable. For this further reason, the Examiner's rejection of the present claims cannot be maintained.

In view of the above, it is submitted that all pending claims are in condition for allowance. A Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiency in the fees due in connection with this filing Deposit Account 50-0310. A duplicate of this authorization is enclosed.

Respectfully submitted,

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